

REMARKS

Claims 1-13 are pending in this application. By this Amendment, claims 8-13 are added. Claims 8-13 introduce no new matter. Support for new claims 8-13 can be found, for example, in paragraphs [0020]-[0028] of the specification. Reconsideration of the application based on the following remarks is respectfully requested.

The Office Action rejects claims 1-7 under 35 U.S.C. §102(b) over U.S. Patent No. 6,929,836 to Kikuchi et al. (hereinafter "Kikuchi"). This rejection is respectfully traversed.

Independent claim 1 recites, among other features, wherein said container comprises a matrix that is blended with a gas barrier material, and wherein said container is produced by a process including bi-axial stretch blow molding steps performed at least twice, with a heat treatment step therebetween. Independent claim 3 recites, among other features, wherein said container comprises a base layer having a matrix that is blended with a gas barrier material, and a protection layer having an enriched gas barrier property, and wherein said container is produced by a process including bi-axial stretch blow molding step performed at least twice, with a heat treatment step therebetween. Independent claim 6 recites, among other features, a method for producing a synthetic resin container having excellent gas barrier property and heat resistance, by bi-axial stretch blow molding steps performed at least twice, with a heat treatment step therebetween, wherein said blow molding steps are performed with a preform consisting of a synthetic resin of which a matrix is blended with a gas barrier material. Despite the assertion to the contrary in the Office Action, Kikuchi cannot reasonably be considered to teach, or to have suggested, these combinations of features for at least the reasons set forth below.

The Office Action, on page 2, asserts that Kikuchi teaches the above-recited features because Kikuchi allegedly discloses stretching a multi-layered preform in a longitudinal direction using a stretching rod and stretching the multi-layered preform in a lateral direction

using blown air by a stretch blow molding method at a stretching temperature. The Office Action's analysis fails for the following reasons.

First, Kikuchi, in its teaching of a multi-layered bottle, does not teach, nor would it have suggested, said container comprises a matrix that is blended with a gas barrier material as recited, among other features, in independent claim 1, or said blow molding steps are performed with a preform consisting of a synthetic resin of which a matrix is blended with a gas barrier material as is recited, among other features, in independent claim 6. The multi-layer design of Kikuchi cannot reasonably be considered to anticipate the single mixed-matrix layer material that is positively recited in independent claims 1 and 6.

Second, stretching the multi-layered preform in the longitudinal direction using a stretching rod and in the lateral direction using blown air by a stretching blow molding method cannot reasonably be considered to correspond to bi-axial stretch blow molding steps performed at least twice. Bi-axial stretch blow molding comprises stretching a preform in both a lateral direction and a longitudinal direction using blown air. As noted above, Kikuchi, at col. 8, lines 49-54, discloses only stretch blow molding in a lateral direction. Further, the assertion that the stretching rod stretching and the blown air stretching of the bottle in Kikuchi are considered to correspond to the claimed features does not meaningfully address separate bi-axial stretch blow molding steps performed at least twice, with other intervening steps performed therebetween. In fact, there is no suggestion in Kikuchi, to any extent that stretching steps of Kikuchi are considered to be performed separately, that there is any intervening action between those steps.

Third, the process of performing a heat set, as identified on page 2 of the Office Action, is not performed between any steps of Kikuchi, much less separate bi-axial stretch blow molding steps, as recited in claims 1, 3 and 6. Kikuchi teaches only performing a heat

set after stretching the multi-layered preform in the longitudinal direction using a stretching rod and in the lateral direction using blown air by a stretch blow molding method.

For at least the above reasons, Kikuchi cannot reasonably be considered to teach, or to have suggested, the combinations of all of the features positively recited in claims 1, 3 and 6. Further, claims 2, 4, 5 and 7 are also not taught, nor would they have been suggested, by Kikuchi for at least the respective dependence of these claims directly on an allowable base claim, as well as for the additional features each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-7 are respectfully requested.

Applicants also submit that added claims 8-13 are not taught, nor would they have been suggested by Kikuchi for reasons similar to those argued above.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-13 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Timothy S. Smith
Registration No. 58,355

JAO:TSS/hms

Attachment:
Amendment Transmittal

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OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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